

REMARKS

Claims 1,4, 7, 10 and 11 are amended. Claims 2 and 12 are cancelled. Claims 1, and 3 through 11 are under consideration. Reconsideration of all amended and original claims is respectfully requested.

Claim Objections

Claim 10 was objected to. Claim 10 has been amended to state "said database management system".

Rejection Under 35 U.S.C. § 112 Rejection

Claims 4,6,7, 9, 10, and 12 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

In response, claim 4 is amended to delete "key field" and use instead "fields".

Claim 7 was amended to depend on claim 6.

Claim 10 was amended to delete in the last limitation, "said data" and replace it with "a database".

Claim 12 is cancelled.

In summary, the above amendments correct all of the deficiencies, and therefore, above rejection of claims 4, 6, 7, 9 and 10 should be withdrawn.

35 U.S.C. § 103 (a)

Applicants submit that the subject matter of the various claims was commonly owned at the time of the invention covered, in considering patentability under section 103(a).

In paragraphs 20-21, *the Action states Claim 1 and 3-12 are rejected over Stimac (US Appl. No 2003/0071852) in view of Taylor (U.S. Patent 5,832,497)*

Regarding claim 1 the Action states that Stimac teaches a computer readable medium of instructions configured as a multiple database information exchange and hiring system....

Regarding claim 11 the Action rejects claim 11 because Stimac teaches a method of hiring personnel intelligently.

However, the Action admits that Stimac does not explicitly teach a computer readable medium further comprising an accounting system connected to said process controller.

The Action states: Taylor, however, teaches an accounting system connected to said process controller (col 2, line 13; see also col 6, lines 47-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to include an accounting system, since this would allow the operator of the system to charge a fee for its use (see col 6, lines 47-57).

In paragraph 38, the Action states that the rejection of record provides ample motivation for incorporating an accounting system into the system of Stimac, said motivation provided by Taylor reference itself.

In paragraph 37, the Action states that *“There is no disclosure of an accounting system in the specification at all. Given these facts, the examiner is free to interpret the claimed accounting system broadly.*

In response, applicants disagree. This is because there is ample disclosure of an accounting system in applicants specification, e.g.,

- 1) Page 1, lines 17- to page 2, line 8.
- 2) Page 10, line 14 to page 11, line 2- Description of Figure 3 that describes the duties of Intell-Hire Administrator in reference to Account Creation, Account Edit, Merge/Unmerge account.
- 3) Page 11, lines 10-20, Description of Figure 5 describing the Management of account.
- 4) Figure 3 describing Account Creation, Account Edit, Account Merge/Unmerge.
- 5) Figure 5 describing Management of Account.

Therefore, in view of the above facts, the examiner is not free to interpret the claimed accounting system broadly.

MPEP 2143.01 [R-2] cited in the Action, states:

“There are three possible sources for a motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of the persons of ordinary skill in the art” In re Rouffet, 149 F 3d 1350, 1357, 47 USPQ 2d 1453, 1457-58 (Fed Cir 1998) (The combination of the references taught every element of the claimed invention, however, without a motivation to combine, a rejection based on a prima facie case of obviousness was held improper). The level of skill in the art cannot

be relied upon to provide the suggestion to combine references. Al-Site Corp v VSI Intel Inc., 174 F3d 1308, 50 USPQ 2d 1161 (Fed Cir 1999).

Applying the above case law, the nature of the problem to be solved in the present invention and in the cited references is clearly NOT the same. The motivation to control costs and facilitating accounting management (of the present invention) is not present in Taylor. Therefore, pursuant to In re Rouffet, the above rejection was improper.

The examiner states that the limitation of the accounting system was not in the claims. In response applicants disagree. However, Claims 1, 7, 10 and 11 have been amended to include the limitation of the accounting system "facilitating the accounts management". As a matter of law, the above rejection cannot be sustained.

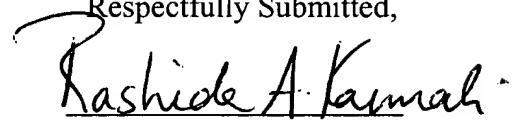
"When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the examiner to explain why the combination of the teachings is proper". Ex parte Skinner, 2 USPQ 1788 (Bd. Pat. App. & Inter. 1986).

In paragraphs 24-31, the Action has rejected Claims 3 (#24), 4 (#25), 5 (#26), 6(#27), 7(#28), 8(#29), 9 (#30), and 12 (#31).

In response, applicants disagree. Since the above claims 3-9, are dependent on claim 1, the above response for claim 1 applies to them. Claim 12 has been cancelled.

Therefore, as a matter of fact and law, there is no basis to sustain the rejection of any of the claims under consideration 1, 3-11, as being obvious over Stimac in view of Taylor. This rejection should be withdrawn.

Respectfully Submitted,



Rashida A. Karmali, Esq.

Reg. No. 43,705

Attorney for Applicants

99 Wall Street, 13th Floor

New York, NY 10005

Phone (212) 651-9653

Fax (212) 651-9654

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Rashida A. Karmali
Attorney for Applicants

Rashida A. Karmali

Signature

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